

SENATE BILL 1017

By Bell

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 1, Part 2, relative to right to work.

WHEREAS, Tennessee's right to work laws are premised on the belief in free choice whereby employees have a right to freely decide whether or not to join, be represented by, or financially support a union or employee organization; and

WHEREAS, the labor neutrality agreement is used as a tool to pressure company ownership and management to agree to union demands before ever approaching employees; and

WHEREAS, labor neutrality agreements have become increasingly common in recent years and need to be regulated as to their use to ensure both the employer and employee are treated in the fairest way possible; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 2, is amended to add the following as a new section:

50-1-207

(a) For purposes of this section:

(1) "Employee" means a natural person who performs services for an employer for valuable consideration, and does not include a self-employed independent contractor;

(2) "Employer" means a person, association, or legal or commercial entity receiving services from an employee and, in return, giving compensation of any kind to such employee;

(3) “Federal labor laws” means the National Labor Relations Act, compiled in 29 U.S.C. § 131 et seq., Labor Management Relations Act, compiled in 29 U.S.C. § 141 et seq., as enacted and amended by the United States Congress, presidential executive orders, and federal administrative regulations relating to labor and management or employee and employer issues, and the United States Constitution as amended and as construed by the federal courts; and

(4) “Governmental body” means the state of Tennessee or any local government or its subdivisions, including but not limited to cities, municipalities, counties, and any public body, agency, board, commission, or other governmental, quasi-governmental, or quasi-public body, or like capacity of local government or its subdivisions.

(b) Any agreement, contract, understanding, or practice, written or oral, implied or expressed, between any employer and any labor organization in violation of this section is declared to be unlawful, null, and void, and of no legal effect.

(c) No governmental body may pass any law, ordinance, or regulation, or impose any contractual, zoning, permitting, licensing, or other condition that requires any employer or employee to waive its rights under the National Labor Relations Act.

(d) No governmental body may enact or enforce any law, regulation, or ordinance, that would require, in whole or in part, an employer or multi-employer association to accept or otherwise agree to any provisions that are mandatory or non-mandatory subjects of collective bargaining under federal labor laws, including, but not limited to, any limitations on an employer’s or multi-employer association’s rights to engage in collective bargaining with a labor organization, to lock out employees, or to operate during a work stoppage; provided, however, that the foregoing shall not invalidate or otherwise restrict a governmental body from requiring the use of project labor agreements to the extent permissible under federal labor laws.

(e) This section shall be interpreted and enforced consistent with the National Labor Relations Act, compiled in 29 U.S.C. § 131 et seq.

(f) An employer or employee is entitled to and shall receive injunctive relief necessary to prevent any violation of this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.